

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 841

AN ACT

To repeal sections 304.180 and 304.230, RSMo, and to enact in lieu thereof three new sections relating to vehicle weight regulations.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Sections 304.180 and 304.230, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as  
3 sections 135.670, 304.180, and 304.230, to read as follows:

4       135.670. 1. As used in this section, the following terms  
5 mean:

6       (1) "Class 8 truck", a heavy duty vehicle, as defined in 42  
7 U.S.C. Section 16104, as amended, that has a gross vehicle weight  
8 in excess of thirty three thousand pounds;

9       (2) "Department", the department of revenue;

10       (3) "Idle reduction technology", shall have the same  
11 meaning ascribed in 42 U.S.C. Section 16104, as amended;

12       (4) "State tax liability", in the case of a business  
13 taxpayer, any liability incurred by such taxpayer pursuant to the  
14 provisions of chapters 143, 147, and 153, RSMo, excluding  
15 sections 143.191 to 143.265, RSMo, and related provisions, and in  
16 the case of an individual taxpayer, any liability incurred by  
17 such taxpayer pursuant to the provisions of chapter 143, RSMo,

1 excluding sections 143.191 to 143.265, RSMo, and related  
2 provisions;

3 (5) "Taxpayer", a person, firm, a partner in a firm,  
4 corporation, or a shareholder in an S corporation doing business  
5 in the state of Missouri and subject to the state income tax  
6 imposed by the provisions of chapter 143, RSMo, or a corporation  
7 subject to the annual corporation franchise tax imposed by the  
8 provisions of chapter 147, RSMo, or an express company which pays  
9 an annual tax on its gross receipts in this state pursuant to  
10 chapter 153, RSMo, or an individual subject to the state income  
11 tax imposed by the provisions of chapter 143, RSMo.

12 2. For all tax years beginning on or after January 1, 2008,  
13 a taxpayer shall be allowed to claim a tax credit against the  
14 taxpayer's state tax liability in an amount equal to fifty  
15 percent of the amount such taxpayer paid to purchase and install  
16 idle reduction technology on a class 8 truck after January 1,  
17 2008. In no case shall the tax credit exceed thirty five hundred  
18 dollars per truck.

19 3. The amount of the tax credit claimed shall not exceed  
20 the amount of the taxpayer's state tax liability for the taxable  
21 year for which the credit is claimed. However, any tax credit  
22 that cannot be claimed in the taxable year the purchase and  
23 installation was made may be carried over to the next three  
24 succeeding taxable years until the full credit has been claimed.  
25 The tax credit allowed under this section shall be  
26 nontransferable.

27 4. The cumulative amount of tax credits which may be issued  
28 under this section in any one fiscal year shall not exceed ten

1 million dollars, and the total amount of tax credits which may be  
2 issued under this section shall not exceed twenty million  
3 dollars. If the amount of tax credits claimed under this section  
4 exceeds ten million dollars in any one fiscal year, the director  
5 of the department of revenue shall establish a procedure by  
6 which, from the beginning of the fiscal year until some point in  
7 time later in the fiscal year to be determined by the director,  
8 the cumulative amount of tax credits are equally apportioned  
9 among all taxpayers allowed a tax credit under this section. The  
10 director may establish more than one period of time and  
11 reapportion more than once during each fiscal year. To the  
12 maximum extent possible, the director shall establish the  
13 procedure described in this subsection in such a manner as to  
14 ensure that taxpayers can claim all the tax credits possible up  
15 to the cumulative amount of tax credits available for the fiscal  
16 year.

17 5. Not less than one hundred and twenty days from the  
18 effective date of this act, the department shall promulgate rules  
19 necessary for the implementation of the provisions of this act.  
20 Any rule or portion of a rule, as that term is defined in section  
21 536.010, RSMo, that is created under the authority delegated in  
22 this section shall become effective only if it complies with and  
23 is subject to all of the provisions of chapter 536, RSMo, and, if  
24 applicable, section 536.028, RSMo. This section and chapter 536,  
25 RSMo, are nonseverable and if any of the powers vested with the  
26 general assembly pursuant to chapter 536, RSMo, to review, to  
27 delay the effective date, or to disapprove and annul a rule are  
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2008,  
2 shall be invalid and void.

3 6. The provisions of this section shall automatically  
4 sunset two years after August 28, 2008, unless reauthorized.

5 304.180. 1. No vehicle or combination of vehicles shall be  
6 moved or operated on any highway in this state having a greater  
7 weight than twenty thousand pounds on one axle, no combination of  
8 vehicles operated by transporters of general freight over regular  
9 routes as defined in section 390.020, RSMo, shall be moved or  
10 operated on any highway of this state having a greater weight  
11 than the vehicle manufacturer's rating on a steering axle with  
12 the maximum weight not to exceed twelve thousand pounds on a  
13 steering axle, and no vehicle shall be moved or operated on any  
14 state highway of this state having a greater weight than  
15 thirty-four thousand pounds on any tandem axle; the term "tandem  
16 axle" shall mean a group of two or more axles, arranged one  
17 behind another, the distance between the extremes of which is  
18 more than forty inches and not more than ninety-six inches apart.

19 2. An "axle load" is defined as the total load transmitted  
20 to the road by all wheels whose centers are included between two  
21 parallel transverse vertical planes forty inches apart, extending  
22 across the full width of the vehicle.

23 3. Subject to the limit upon the weight imposed upon a  
24 highway of this state through any one axle or on any tandem axle,  
25 the total gross weight with load imposed by any group of two or  
26 more consecutive axles of any vehicle or combination of vehicles  
27 shall not exceed the maximum load in pounds as set forth in the  
28 following table:

1	Distance in feet					
2	between the extremes					
3	of any group of two or					
4	more consecutive axles,					
5	measured to the nearest					
6	foot, except where					
7	indicated otherwise					
		Maximum load in pounds				
8	feet	2 axles	3 axles	4 axles	5 axles	6 axles
9	4	34,000				
10	5	34,000				
11	6	34,000				
12	7	34,000				
13	8	34,000	34,000			
14	More than 8	38,000	42,000			
15	9	39,000	42,500			
16	10	40,000	43,500			
17	11	40,000	44,000			
18	12	40,000	45,000	50,000		
19	13	40,000	45,500	50,500		
20	14	40,000	46,500	51,500		
21	15	40,000	47,000	52,000		
22	16	40,000	48,000	52,500	58,000	
23	17	40,000	48,500	53,500	58,500	
24	18	40,000	49,500	54,000	59,000	
25	19	40,000	50,000	54,500	60,000	
26	20	40,000	51,000	55,500	60,500	66,000
27	21	40,000	51,500	56,000	61,000	66,500
28	22	40,000	52,500	56,500	61,500	67,000
29	23	40,000	53,000	57,500	62,500	68,000
30	24	40,000	54,000	58,000	63,000	68,500
31	25	40,000	54,500	58,500	63,500	69,000

1	26	40,000	55,500	59,500	64,000	69,500
2	27	40,000	56,000	60,000	65,000	70,000
3	28	40,000	57,000	60,500	65,500	71,000
4	29	40,000	57,500	61,500	66,000	71,500
5	30	40,000	58,500	62,000	66,500	72,000
6	31	40,000	59,000	62,500	67,500	72,500
7	32	40,000	60,000	63,500	68,000	73,000
8	33	40,000	60,000	64,000	68,500	74,000
9	34	40,000	60,000	64,500	69,000	74,500
10	35	40,000	60,000	65,500	70,000	75,000
11	36		60,000	66,000	70,500	75,500
12	37		60,000	66,500	71,000	76,000
13	38		60,000	67,500	72,000	77,000
14	39		60,000	68,000	72,500	77,500
15	40		60,000	68,500	73,000	78,000
16	41		60,000	69,500	73,500	78,500
17	42		60,000	70,000	74,000	79,000
18	43		60,000	70,500	75,000	80,000
19	44		60,000	71,500	75,500	80,000
20	45		60,000	72,000	76,000	80,000
21	46		60,000	72,500	76,500	80,000
22	47		60,000	73,500	77,500	80,000
23	48		60,000	74,000	78,000	80,000
24	49		60,000	74,500	78,500	80,000
25	50		60,000	75,500	79,000	80,000
26	51		60,000	76,000	80,000	80,000
27	52		60,000	76,500	80,000	80,000
28	53		60,000	77,500	80,000	80,000
29	54		60,000	78,000	80,000	80,000
30	55		60,000	78,500	80,000	80,000
31	56		60,000	79,500	80,000	80,000
32	57		60,000	80,000	80,000	80,000

1  
2 Notwithstanding the above table, two consecutive sets of tandem  
3 axles may carry a gross load of thirty-four thousand pounds each  
4 if the overall distance between the first and last axles of such  
5 consecutive sets of tandem axles is thirty-six feet or more.

6 4. Whenever the state highways and transportation  
7 commission finds that any state highway bridge in the state is in  
8 such a condition that use of such bridge by vehicles of the  
9 weights specified in subsection 3 of this section will endanger  
10 the bridge, or the users of the bridge, the commission may  
11 establish maximum weight limits and speed limits for vehicles  
12 using such bridge. The governing body of any city or county may  
13 grant authority by act or ordinance to the state highways and  
14 transportation commission to enact the limitations established in  
15 this section on those roadways within the purview of such city or  
16 county. Notice of the weight limits and speed limits established  
17 by the commission shall be given by posting signs at a  
18 conspicuous place at each end of any such bridge.

19 5. Nothing in this section shall be construed as permitting  
20 lawful axle loads, tandem axle loads or gross loads in excess of  
21 those permitted under the provisions of Section 127 of Title 23  
22 of the United States Code.

23 6. Notwithstanding the weight limitations contained in this  
24 section, any vehicle or combination of vehicles operating on  
25 highways other than the interstate highway system may exceed  
26 single axle, tandem axle and gross weight limitations in an  
27 amount not to exceed two thousand pounds. However, total gross  
28 weight shall not exceed eighty thousand pounds, except as

1 provided in subsection 9 of this section.

2       7. Notwithstanding any provision of this section to the  
3 contrary, the department of transportation shall issue a  
4 single-use special permit, or upon request of the owner of the  
5 truck or equipment, shall issue an annual permit, for the  
6 transporting of any concrete pump truck or well-drillers'  
7 equipment. The department of transportation shall set fees for  
8 the issuance of permits pursuant to this subsection.

9 Notwithstanding the provisions of section 301.133, RSMo, concrete  
10 pump trucks or well-drillers' equipment may be operated on  
11 state-maintained roads and highways at any time on any day.

12       8. Notwithstanding the provision of this section to the  
13 contrary, the maximum gross vehicle limit and axle weight limit  
14 for any vehicle or combination of vehicles equipped with an idle  
15 reduction technology may be increased by a quantity necessary to  
16 compensate for the additional weight of the idle reduction system  
17 as provided for in 23 U.S.C. Section 127, as amended. In no case  
18 shall the additional weight increase allowed by this subsection  
19 be greater than four hundred pounds. Upon request by an  
20 appropriate law enforcement officer, the vehicle operator shall  
21 provide proof that the idle reduction technology is fully  
22 functional at all times and that the gross weight increase is not  
23 used for any purpose other than for the use of idle reduction  
24 technology.

25       9. Notwithstanding subsections 3 and 6 of this section or  
26 any other provision of law to the contrary, the total gross  
27 weight of any vehicle or combination of vehicles hauling  
28 livestock may be as much as, but shall not exceed, eighty-five



1 thousand five hundred pounds while operating on U.S. Highway 36  
2 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from  
3 the Iowa state line to U.S. Highway 36.

4 304.230. 1. It shall be the duty of the sheriff of each  
5 county or city to see that the provisions of sections 304.170 to  
6 304.230 are enforced, and any peace officer or police officer of  
7 any county or city or any highway patrol officer shall have the  
8 power to arrest on sight or upon a warrant any person found  
9 violating or having violated the provisions of such sections.

10 2. The sheriff or any peace officer or any highway patrol  
11 officer is hereby given the power to stop any such conveyance or  
12 vehicle as above described upon the public highway for the  
13 purpose of determining whether such vehicle is loaded in excess  
14 of the provisions of sections 304.170 to 304.230, and if he or  
15 she finds such vehicle loaded in violation of the provisions  
16 thereof he or she shall have a right at that time and place to  
17 cause the excess load to be removed from such vehicle; and  
18 provided further, that any regularly employed maintenance man of  
19 the department of transportation shall have the right and  
20 authority in any part of this state to stop any such conveyance  
21 or vehicle upon the public highway for the purpose of determining  
22 whether such vehicle is loaded in excess of the provisions of  
23 sections 304.170 to 304.230, and if he or she finds such vehicle  
24 loaded in violation of the provisions thereof, he or she shall  
25 have the right at that time and place to cause the excess load to  
26 be removed from such vehicle. When only an axle or a tandem axle  
27 group of a vehicle is overloaded, the operator shall be permitted  
28 to shift the load, if this will not overload some other axle or

1 axles, without being charged with a violation; provided, however,  
2 the privilege of shifting the weight without being charged with a  
3 violation shall not extend to or include vehicles while traveling  
4 on the federal interstate system of highways. When only an axle  
5 or tandem axle group of the vehicle traveling on the federal  
6 interstate system of highways is overloaded and a court  
7 authorized to enforce the provisions of sections 304.170 to  
8 304.230 finds that the overloading was due to the inadvertent  
9 shifting of the load changing axle weights in transit through no  
10 fault of the operator of the vehicle and that the load thereafter  
11 had been shifted so that no axle had been overloaded, then the  
12 court may find that no violation has been committed. The  
13 operator of any vehicle shall be permitted to back up and  
14 reweigh, or to turn around and weigh from the opposite direction.  
15 Any operator whose vehicle is weighed and found to be within five  
16 percent of any legal limit may request and receive a weight  
17 ticket, memorandum or statement showing the weight or weights on  
18 each axle or any combinations of axles. Once a vehicle is found  
19 to be within the limits of section 304.180 after having been  
20 weighed on any state scale and there is no evidence that any  
21 cargo or fuel has been added, no violation shall occur, but a  
22 presumption shall exist that cargo or fuel has been added if upon  
23 reweighing on another state scale the total gross weight exceeds  
24 the applicable limits of section 304.180 or 304.190. The  
25 highways and transportation commission of this state may deputize  
26 and appoint any number of their regularly employed maintenance  
27 men to enforce the provisions of such sections, and the  
28 maintenance men delegated and appointed in this section shall

1 report to the proper officers any violations of sections 304.170  
2 to 304.230 for prosecution by such proper officers.

3 3. The superintendent of the Missouri state highway patrol  
4 may assign qualified persons who are not highway patrol officers  
5 to supervise or operate permanent or portable weigh stations used  
6 in the enforcement of commercial vehicle laws. These persons  
7 shall be designated as commercial vehicle inspectors and have  
8 limited police powers:

9 (1) To issue uniform traffic tickets at a permanent or  
10 portable weigh station for violations of rules and regulations of  
11 the division of motor carrier and railroad safety of the  
12 department of economic development and department of public  
13 safety, and laws, rules, and regulations pertaining to commercial  
14 motor vehicles and trailers and related to size, weight, fuel  
15 tax, registration, equipment, driver requirements, transportation  
16 of hazardous materials and operators' or chauffeurs' licenses,  
17 and the provisions of sections 303.024 and 303.025, RSMo;

18 (2) To require the operator of any commercial vehicle to  
19 stop and submit to a vehicle and driver inspection to determine  
20 compliance with commercial vehicle laws, rules, and regulations,  
21 the provisions of sections 303.024 and 303.025, RSMo, and to  
22 submit to a cargo inspection when reasonable grounds exist to  
23 cause belief that a vehicle is transporting hazardous materials  
24 as defined by Title 49 of the Code of Federal Regulations;

25 (3) To make arrests for violation of subdivisions (1) and  
26 (2) of this subsection. Commercial vehicle inspectors shall not  
27 have the authority to exercise the powers granted in subdivisions  
28 (1), (2) and (3) of this subsection until they have successfully

1 completed training approved by the superintendent of the Missouri  
2 state highway patrol; nor shall they have the right as peace  
3 officers to bear arms.

4 4. The superintendent of the Missouri state highway patrol  
5 may appoint qualified persons, who are not members of the highway  
6 patrol, designated as commercial vehicle enforcement officers,  
7 with the powers:

8 (1) To issue uniform traffic tickets for violations of  
9 laws, rules and regulations pertaining to commercial vehicles,  
10 trailers, special mobile equipment and drivers of such vehicles,  
11 and the provisions of sections 303.024 and 303.025, RSMo;

12 (2) To require the operator of any commercial vehicle to  
13 stop and submit to a vehicle and driver inspection to determine  
14 compliance with commercial vehicle laws, rules, and regulations,  
15 compliance with the provisions of sections 303.024 and 303.025,  
16 RSMo, and to submit to a cargo inspection when reasonable grounds  
17 exist to cause belief that a vehicle is transporting hazardous  
18 materials as defined by Title 49 of the Code of Federal  
19 Regulations;

20 (3) To make arrests upon warrants and for violations of  
21 subdivisions (1) and (2) of this subsection. Commercial vehicle  
22 enforcement officers shall not have the authority to exercise the  
23 powers granted in subdivisions (1), (2) and (3) of this  
24 subsection until they have successfully completed training  
25 approved by the superintendent of the Missouri state highway  
26 patrol. Commercial vehicle enforcement officers shall have the  
27 right as peace officers to bear arms.

28 5. Any additional employees needed for the implementation

1 of this section shall be hired in conformity with the provisions  
2 of the federal fair employment and antidiscrimination acts.

3 6. Any part of this section which shall be construed to be  
4 in conflict with the axle or tandem axle load limits permitted by  
5 the Federal-Aid Highway Act, Section 127 of Title 23 of the  
6 United States Code (Public Law 85-767, 85th Congress) shall be  
7 null, void and of no effect.

8 7. The superintendent may also appoint members of the  
9 patrol who are certified under the commercial vehicle safety  
10 alliance with the power to conduct commercial motor vehicle and  
11 driver inspections and to require the operator of any commercial  
12 vehicle to stop and submit to said inspections to determine  
13 compliance with commercial vehicle laws, rules, and regulations,  
14 compliance with the provisions of sections 303.024 and 303.025,  
15 RSMo, and to submit to a cargo inspection when reasonable grounds  
16 exist to cause belief that a vehicle is transporting hazardous  
17 materials as defined by Title 49 of the Code of Federal  
18 Regulations.

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26 Bill Stouffer

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